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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,977	07/31/2003	Kyung-geun Lee	1293.1951	1858
49455	7590	09/20/2006	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			DINH, TAN X	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,977

Applicant(s)

LEE ET AL.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1) Receipt is acknowledged of papers submitted under 35 U.S.C.119(a)-(d), which papers have been placed of record in the file.

2) The I.D.S filed 10/21/2003 and 7/31/2003 been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

OPTICAL RECORDING DISK HAVING WRITE PROTECTION INFORMATION.

4) The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.

A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed Terminal Disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional

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rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A Terminal Disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5) Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10/630,922. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-16 of this instant application and claims 1-14 of copending Application No. 10/630,922 recite the same features with each other except that one recites an optical storage medium and the other recites an apparatus for recording information data from an optical storage medium. However, this different is not a patentable weight since the body of these claims recite the same structures and/or functions with each other and this would not make them a patentable distinction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6) Claims 1-16 are rejected on the ground of nonstatutory

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obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,862,256. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-16 of this instant application and claims 1-14 of copending Application No. 10/630,922 recite the same features with each other except that one recites an optical storage medium and the other recites a method for recording information data from an optical storage medium. However, this different is not a patentable weight since the body of these claims recite the same structures and/or functions with each other and this would not make them a patentable distinction.

7) Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 11/235,294. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-16 of this instant application and claims 1-20 of copending Application No. 11/235,294 recite the same features with each other except that one recites an optical storage medium and the other recites an apparatus for recording information data from an optical storage medium. However, this different is not a

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patentable weight since the body of these claims recite the same structures and/or functions with each other and this would not make them a patentable distinction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8) Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 11/429,337. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-16 of this instant application and claims 1-16 of copending Application No. 11/429,337 recite the same features with each other except that one recites an optical storage medium and the other recites a method for recording information data from an optical storage medium. However, this difference is not a patentable weight since the body of these claims recite the same structures and/or functions with each other and this would not make them a patentable distinction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9) Claims 1-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 11/235,295. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-16 of this instant application and claims 1-23 of copending Application No. 11/235,295 recite the same features with each other except that one recites an optical storage medium and the other recites a method for recording information data from an optical storage medium. However, this different is not a patentable weight since the body of these claims recite the same structures and/or functions with each other and this would not make them a patentable distinction.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10) Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at

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the time the application was filed, had possession of the claimed invention.

Claims 1-16 recite the feature of " write protection statuses indicating a size of a corresponding write protection area " but the specification fails to provide the detail information of this important feature. Without this teaching, one of ordinary skill in the art cannot practice the invention.

11) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

12) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13) Claims 1,2,6-11,136 are rejected under 35 U.S.C. 102(b) as being anticipated by LEE et al (EPA, 0 965 988 A2).

LEE et al discloses an optical storage medium as claimed in claim 1, comprising:

a lead-in area (Fig.2, Lead-In area);

a data zone in which user data is recorded (Fig.2, Data area and user data area);

a lead-out area (Fig.2, Lead-Out area),

wherein a write protection information is recorded to indicate one

of a plurality of write protection statuses of the optical storage medium, each one of the plurality of write protection statuses indicating a size of a corresponding write protected area of the optical storage medium (Fig.4a, disc write protection, figure 5a, disc write protection).

As to claim 2, LEE et al shows size includes portion of data zone (Fig.2, Data area and user data area).

As to claims 3-5, LEE et al shows inner and outer spare areas in figure 4B, reserved area b5 and b2.

As to claims 6 and 7, LEE et al shows drive test zone and disc identification zone (Fig.2, drive test zone and disc identification zone).

Claim 9 is rejected with the same reasons set forth in claim 1 above.

Claim 10 is rejected with the same reasons set forth in claim 2 above.

As to claim 11, LEE et al shows inner and outer spare areas (Fig.4B, reserved area b5 and b2).

As to claim 12, LEE et al shows data zone has defect area (Fig.2, DMA1, DMA2, DMA3 and DMA4).

Claim 13 adds to claim 1 the features of write protection information is recorded to indicate one of a plurality of write

protection statuses of the optical storage medium, one of the statuses being to allow defect management of a write protected optical storage medium, which is shown in figures 4A, reserved area and in figure 2, defective management areas DMA1, DMA2, DMA3 and DMA4.

As to claim 14, LEE et al shows inner and outer spare areas in figure 4B, reserved area b5 and b2.

As to claim 15, LEE et al shows drive test zone and disc identification zone (Fig.2, drive test zone and disc identification zone).

Claim 16 is rejected with the same reasons set forth in claim 12 above.

14) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

Form PTO-892 is attached herein.

15) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN

DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 9:00AM to 5:00PM.

The FAX phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER

September 14, 2006